IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**W.P.NOS.1164, 1138, 1376, 3680, 3734, 3751, 3779, 3753, 3769, 5617, 5421, 5435, 9109, 9111 OF 2003 & W.P.NOS.6260, 229, 1184, 1559, 3915, 4628, 4965, 5391, 6297, 6356, 6591, 6554, 6888, 9202, 10742, 12770, 4943, 5390, 13682, 5800, 6381, 12781, AND 8848 OF 2004**

**WRIT PETITION NO : 1164 of 2003**

Between:

M/s Cheers Bar and Restaurant, represented by its Licencee
P.Vijay Kumar S/o P.Mallaiah, aged about 45 years,
Occ: Business, R/o H.No.2-4-493, Krishna Nagar,
Kachiguda.,Hyderabad.

**..... PETITIONER**

AND

Commissioner of Police., Twin Cities.,Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring order No. L & O/A3/314/2002 dated 9-1-2003 served on 11-01-2003 as arbitrary, illegal, violative of Arts.14 & 19(1) (g) and set aside the same.

**Counsel for the Petitioner: Mr.K.RAGHAVACHARYULU**

**Counsel for the Respondent: GP FOR HOME,**

**WRIT PETITION NO : 1138 of 2003**

Between:

Golden Sip Bar & Restaurant, 6-4-34,
Musheerabad X Road, Secunderabad,
A partnership firm rep. by its Managing Partner
Sri S.Ameer Bash, S/o Hussain Saheb, R/o Hyderabad.

**..... PETITIONER**

AND

1. The Commissioner of Police, Twin Cities,
   Hyderabad.
2. Station House Officer,
   Gandhinagar Police Station,
   Chikkadpally Division, Hyderabad.
3. The Station Fire Officer, Musheerabad, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in passing the impugned order dated 08-01-2003 vide proceedings No.L&O/A3/2133/02 as arbitrary, illegal and violative of Articles 14,19 (1)(g) and Article 21 of the Constitution of India consequently direct the 1st respondent to forthwith pass orders granting renewal of the petitioner's licence under Hyderabad and Secunderabad Amusement Rules, 1995 in the name of 'Golden Sip Bar & Restaurant'.

**Counsel for the Petitioner:MR.D.JAGAN MOHAN REDDY**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 1376 of 2003**

Between:

M/s.Manju Bar & Restaurant,
Rep. by its Proprietor:Mr.Shiva Kumar,
S/o late M.Ananda Rao, Hindu, 30 years,
Occ:Business, R/o Flat No.116, 1st floor,
Business Towers, Tilak Road, Hyderabad.

**..... PETITIONER**

AND

1. The Commissioner of Police, Hyderabad City,
   Hyderabad.
2. The Deputy Commissioner of Police, Central Zone,
   Hyderabad.
3. The Asst. Commissioner of Police, Abids Division,
   Hyderabad.
4. The Station House Officer, Abids Police Station,
   Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondent No.1, in issuing the Memo No.L&O/A3/176/91 dated 06-01-2003 as illegal, arbitrary, violative of principles of natural justice and for a consequential order directing the respondent No.1 to grant/renew amusement licence for the calendar year 2003 to the petitioner.

**Counsel for the Petitioner: MR.CH.DHANAMJAYA**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 3680 of 2003**

Between:

Golden Dragon Chinese Restaurant and Bar, a proprietory concernt at Secunderabad, rep. by its Proprietor, K.Narayan Reddy S/o Narsi Reddy, aged 30 years, Occupation: Business, r/o Secunderabad.

**..... PETITIONER**

AND

1 The Commissioner of Police, Twin Cities., Hyderabad.
2 Station House Officer., Mahankali Police Station.,Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction preferably a Writ in the nature of Certiorari, calling for the records relating to the order No. L & O/A3/582/91 dated 28-2-2003 passed by the first respondent and quash the same as being illegal, arbitrary and violative of Articles 14 and 19 of the constitution of India and consequently suspend the operation of the same; and direct the first respondent to forthwith pass order granting renewal of the petitioners licence under Hyderabad and Sec'bad Amusement Rules, 1995 in the name of "Golden Dragon Chinese Restaurant & Bar and pending renewal of the licence by the first respondent, allow the petitioner firm to carry on business by engaging orchestra and singing by both male and female singers.

**Counsel for the Petitioner :MR.P.VENUGOPAL**

**Counsel for the Respondents: GP FOR HOME**

**WRIT PETITION NO : 3734 of 2003**

Between:

M/s.Taj Indus Bar & Restaurant, rep. by its Proprietor Girish,
S.Naidu, S/o Shantaram Naidu, Aged about 38 years, R/o 4th floor,
Tirumala Estates, Himayathnagar, Hyderabad.

**..... PETITIONER**

AND

1. The Commissioner of Police, Hyderabad.
2. The Deputy Commissioner of Police,
   Central Zone, Hyderabad.
3. The Deputy Commissioner of Police,
   Traffic—I, Hyderabad.
4. The Asst. Commissioner of Police,
   Abids, Division, Hyderabad.

5. The Station House Officer,
   Narayanaguda Police Station,
   Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ and set aside the order of the 1st respondent in proceedings L&O/A3/60/2002 dated 26-02-2003 rejecting renewal of Police licence to the petitioner and consequently direct the 1st respondent to renew the police licence of the petitioner bearing No.12/2000 for the year 2003 onwards and further direct the respondents not to interfere with the activity of the petitioner in providing songs and music to its customers in its Bar and Restaurant.

**Counsel for the Petitioner:MR.V.VENKATARAMANA**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 3751 of 2003**

Between:

Hunt Pub, a proprietory concern, rep. by
Its Proprietor, G.Srikanth, Amrutha Hall,
II Floor, Somajiguda X Roads,
Hyderabad.

**..... PETITIONER**

AND

1. The Commissioner of Police, Twin Cities,
   Hyderabad.
2. Station House Officer, Punjagutta Police
   Station, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferable a writ in the nature of Certiorari, calling for the records relating to the order No.L&O/A3/42/2002 dated 26-02-2003 passed by the first respondent and quash the same as being illegal, arbitrary and violative of Articles 14 and 19 of the constitution of India and consequently suspend the operation of the same; and direct the first respondent to forthwith pass orders granting renewal of the petitioner's licence under Hyderabad and Secunderabad Amusement Rules, 1995, in the name of the petitioner and pending renewal of the licence by the first respondent, allow the petitioner firm to carry on business by engaging Orchestra and singing by both male and female singers, pending disposal of the above writ petition.

**Counsel for the Petitioner:MR.P.VENUGOPAL**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 3779 of 2003**

Between:

Maharaj Bar & Restaurant, 1-7-228/1/A/B, S.D.Road,
Secunderabad, rep. by its Proprietor T.Rajesh.

**..... PETITIONER**

AND

1. The Commissioner of Police, Basheerbagh,
   Hyderabad.
2. The Station House Officer, Ramgopalpet P.S.,
   Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more

particularly one in the nature of writ of Mandamus, declaring the proceedings of the 1st respondent in L&O/A3/258/98 dated 26-02-2003 rejecting the petitioner's renewal of amusement licence to hold orchestra, music and singing for the year 2003, as illegal, null, void and arbitrary, and consequently direct the 1st respondent herein to renew the licence of the petitioner bearing No.A3/258/98 for the year 2003.

**Counsel for the Petitioner:MR.V.VENKATARAMANA**

**Counsel for the Respondents: GP FOR HOME**

**WRIT PETITION NO : 3753 of 2003**

Between:

Mount Paradise Bar and Family Restaurant A/C,
1-7-228, 1st Floor, United Complex, Paradise Circle,
Secunderabad, a partnership firm, rep. by its Managing
Partner, P.Agaiah Goud, R/o Secunderabad.

**..... PETITIONER**

AND

1. The Commissioner of Police,
   Twin Cities, Hyderabad.
2. Station House Officer,
   Ramgopalpet Police Station,
   Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Certiorari, calling for the records relating to the order No.L&O/A3/264/2002 dated 26-02-2003 passed by the 1st respondent and quash the same as being illegal, arbitrary and violative of Articles 14 and 19 of the Constitution of India and consequently suspend the operation of the same; and direct the first respondent to forthwith pass orders granting renewal of the petitioner's licence under Hyderabad and Secunderabad Amusement Rules, 1995 in the name of the petitioner and pending renewal of the licence by the first respondent, allow the petitioner firm to carry on business by engaging Orchestra and singing by both male and female singers, pending disposal of the above writ petition.

**Counsel for the Petitioner:MR.P.VENUGOPAL**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 3769 of 2003**

Between:

Raj International Bar & Restaurant, 3-1-249/A&A1,
S.D.Road, Secunderabad, rep. by its Proprietor,
B.Rajkumar Goud.

**..... PETITIONER**

AND

1. The Commissioner of Police, Basheerbagh,
   Hyderabad.
2. The Station House Officer, Mahankali P.S.,
   Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the proceedings of the 1st respondent in L&O/A3/2163/2001, dated 26-02-2003 rejecting the petitioner's renewal of amusement licence to hold orchestra, music and singing for the year 2003, as illegal, null, void and arbitrary; and consequently direct the 1st respondent herein to renew the licence of the petitioner bearing No.A3/2163/2001 for the year 2003.

**Counsel for the Petitioner:MR.V.VENKATARAMANA**

**Counsel for the Respondents: GP FOR HOME,**

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**WRIT PETITION NO : 5617 of 2003**

Between:

M/s.Mehfil-1 Bar and Restaurant, 5-4-100 & 101,
Vasundhara Complex, II Floor, M.G.Road,
Secunderabad, rep. by its Partner Parikshit Chowdhary.

**..... PETITIONER**

AND

The Commissioner of Police, Hyderabad City,
Basheerbagh, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the action of the respondent in rejecting the application of the petitioner for grant of amusement licence orchestra (music) to the petitioner bar and restaurant vide his proceedings issued in L&O/A3/1874/2002 dated 24-03-2003 as illegal arbitrary and contrary to the orders passed in W.P.No.14952/2002 and batch dated 04-12-2002 and consequently direct the respondent to grant licence in favour of the petitioner.

**Counsel for the Petitioner:MR.O.MANOHER REDDY**

**Counsel for the Respondent : GP FOR HOME,**

**WRIT PETITION NO : 5421 of 2003**

Between:

M/s.Brigades Bar & Restaurant,
6-1-84/14, Khusrujung House Complex,
First Floor, A.G.Office Road, Saifabad,
Hyderabad, rep. by its Prop.D.Jayarami Reddy.

**..... PETITIONER**

AND

1. Commissioner of Police, Hyderabad City,
   Hyderabad.
2. Commissioner of Prohibition & Excise,
   Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the impugned order dated 25-03-2003 in rejecting the application as illegal, arbitrary and without jurisdiction.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondent No.1: GP FOR HOME,**

**Counsel for the Respondent No.2: G.P. for Excise.**

**WRIT PETITION NO : 5435 of 2003**

Between:

M/s.Lagoon Pub Bar Family Restaurant,
3-6-524, Above Global Trust Bank, 1st floor Zee Plaza Complex, Himayatnagar, Hyderabad, rep. by its Managing Partner, Sardar Inderjeet Singh Tuteja.

**..... PETITIONER**

AND

1. Commissioner of Police,
   Hyderabad City, Hyderabad.
2. Station House Officer, Narayanaguda P.S.,
   Hyderabad.
3. Commissioner of Prohibition & Excise,
   Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the impugned order dated 31.1.2004 in rejecting the application as illegal, arbitrary **and contrary to Hyderabad and Secunderabad Amusement Rules 1995 and unconstitutional and consequently setaside the orders of 1st respondent dated 31.1.2004**. *Prayer is amended as per Court order dated 12.2.2004.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 9109 of 2003**

Between:

Rukmini International Bar & Restaurant, a registered partnership firm rep.by its M.P, Sri S.Maheswar, S/o S.Malkaiah, aged 40 years, R/o. 1-8-563/2, 1st Floor, RTC Cross Roads, Opp Sandhya Theater, Hyderabad.

**..... PETITIONER**

AND

1 Commissioner of Police, Hyderabad City.
2 Station House Officer, Chikkadpally Police Station,Hyd.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of certiorari, calling for the records relating to the proceedings No. L&O/A3/294/03 dated 4/4/2003 passed by the first respondent and quash the same as being illegal, arbitrary and violative of Article 14 or the constitution of India and consequently direct the first respondent to forthwith issue licence under provisions of the Hyderabad and Secunderabad Amusement Rules 1995, in favour of the petitoner's firm, namely RUKMINI INTERNATIONAL BAR & RESTAURANT, situated in premises bearing No.1-8-563/2, 1st Floor, RTC Cross Roads, Opp. Sandhya Theater, Hyderabad allowing the petitioner concern to conduct orchestra and singing in its Bar & Restaurant.

**Counsel for the Petitioner:MR.P.VENUGOPAL**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 9111 of 2003**

Between:
M/s. Kushi Bar & Restaurent, IL-17 16-10-27/105/33/A, Malakpet Municipal Colony, Hyderabad, rep by its Licencee Mr. A. Ram Reddy, S/o Chandra Reddy

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad City, Hyderabad
2 The Station House Officer, Chanderghat Police Station, Hyderabad
3 The Prohibition & Excise Superintendent Hyderbad District at Narayanaguda, Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably a Writ in the nature of mandamus declaring the action of the respondents in not permitting the petitioner M/s. Kushi Bar & Restaurent, to conduct music, Singing and orchestra in the petitioner Bar and Restaurant as illegal and arbitrary, and further direct the respondents to permit the petitioner M/s. Kushi Bar & Restaurant, to conduct music, singing and orchestra in the petitioner's Bar and Restaurant with immediate effect.

**Counsel for the Petitioner:MR.SATTOR RAGHAVENDER GOUD**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 6260 of 2004**

Between:
M/s. Dwaraka Bar & Restaurant a partnership firm registered under the Indian Partnership Act, situated at H.No. 12-2-783/3/A, Rethi Bowli, Mehdipatnam, Hyderabad. rep by its Partner Mr. Sanjay Khanduja, S/o. M.R. Khanduja

**..... PETITIONER**

AND

1 Commissioner of Police, Twin-Cities, Hyderabad.
2 Station House Officer, Asifnagar Police Station, Asifnagar, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Writ of Mandamus, declaring the Order in Proceedings No. L & O / A3/2142/2003 dt. 20-2-2004 issued by the 1st respondent as being illegal, arbitrary and violative of Articles 14 and 19 of the constitution of India and consequently suspend the said order and also direct the 1st respondent to forthwith grant Amusement License to the petitioner firm to hold Music and Singing by male and female singers in its Bar and Restaurant for the year 2004 i.e. from 1-1-2004 to 31-12-2004.

**Counsel for the Petitioner:MR.P.VENUGOPAL**

**Counsel for the Respondents: G.P. FOR HOME,**

**WRIT PETITION NO : 229 of 2004**

Between:
9 GEMS Bar and Restaurant rep., by its Proprietor S.Ashok Kumar, S/o Bhujanga Rao, 3rd Floor, 1-1-147/1, Sarojini Devi Road, Opp:Garden Restaurant, Secunderabad.

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad.
2 The Deputy Commissioner of Police, North Zone, Secunderabad.
3 Asst.Commissioner of Police, Mahankali Division, Secunderabad.
4 Station House Officer, Market Police Station, Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ order or direction, declaring that the action of the 1st respondent in not granting renewal of the amusement License to the petitioner pursuant to the renewal application of the petitioner dated 19-12-2003, is arbitrary and illegal and direct the respondents to permit the petitioner to conduct Music and Signing in the premises of its Bar and Restaurant, subject to such safeguards as to be suggested by the respondents and grant such other relief as it deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner:MR.V.VENKATARAMANA**

**Counsel for the Respondents: GP FOR HOME,**

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**WRIT PETITION NO : 1184 of 2004**

Between:
Swaraj Bar & Restaurant, Situated at 1-8-524/2 to 11, Chikkadpally,
rep. by its Proprietor G.V. Krishnaiah, S/o. G. Basava Punnaiah.
**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad.
2 Chikkadpally P.S., rep. by its Inspector, Chikkadpally, Hyderabad.
**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings dt: 19.1.2004 vide No. L&O/A3/1086/2003 as illegal, arbitrary and discriminative in nature and consequently direct the first respondent to grant Amusement License to the petitioner.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 1559 of 2004**

Between:

M/S.Nite King Bar & Restaurant, 3-6-154,
Victory Vision, 5th Floor, Besides Woodland

Shoe Showroom, Himayatnagar,
Rep. by its Prop.Ameer Basha.

**..... PETITIONER**

AND

1. The Commissioner of Police, Basheerbagh,
   Hyderabad.
2. The Dy.Commissioner of Police, Central Zone,
   Police Control Room, Basheerbagh,
   Hyderabad.
3. The Dy. Commissioner of Police, Task Force,
   Central Zone, Begumpet, Hyderabad.
4. The Asst. Commissioner of Police, Abids Division,
   Hyderabad.
5. The Station House Officer, Narayanaguda,
   Police Station, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, Direction, a Writ more particularly in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting to grant amusement licence in Proceedings No.L&O/A3/2535/2003 dated 24-01-2004 as arbitrary, illegal and unconstitutional and discriminative and in violation of Articles 14, 19(1)(g) of the Constitution of India and set aside the same and consequently direct the first respondent to grant amusement licence to the petitioner restaurant situated at H.No.3-6-154, Victory Vision, 5th floor, Besides Woodland Shoe Showroom, Himayatnagar, Main Road, Hyderabad-29 under the provisions of Amusement Rules 1351 Fasli.

**Counsel for the Petitioner:MR.C.V.BHASKAR REDDY**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 3915 of 2004**

Between:

Anupuma Bar & Restaurant, rep.by Sri A.Nageswara Rao situated at 10-2-289/4, Masab Tank, A.C.Guards, Hyderabad.

**..... PETITIONER**

AND

1 Commissioner of Police, Twin Cities of Hyderabad, Basheer bagh, Hyderabad.
2 Deputy Commissioner of Police, Central Zone, Hyderabad.

3 Station House Officer, P.S.Nampally, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings dt.17.2.2004 vide No.280/A3/2123/2004 by the first respondent as illegal and arbitrary.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 4628 of 2004**

Between:

M/s Hotel Suprabhat, Rep. by its Managing Director A. Basava Reddy,

3-3-50, Kachiguda, Hyderabad.

**..... PETITIONER**

AND

The Commissioner of Police, Hyderabad City,
Basheerbagh, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of mandamus declaring the action of the Respondent in rejecting the grant of licence for amusement (music and singing) by proc.No. L&0/A3/1373/92 dt. 9-3-2004 as illegal, arbitrary and consequently direct the Respondent to grant licence in favour of the Petitioner.

**Counsel for the Petitioner:MR.HARENDER PERSHAD**

**Counsel for the Respondent: GP FOR HOME,**

**WRIT PETITION NO : 4965 of 2004**

Between:

Mount Paradise Bar and Family Restaurant A/C, 1-7-228, 1st Floor, United Complex, Paradise Circle, Secunderabad, a partnership firm, rep. by its Managing Partner, P. Agaiah Goud.

**..... PETITIONER**

AND

1 Government of Andhra Pradesh, rep. by its Secretary, Home Department,
Secretariat, Hyderabad.
2 Commissioner of Police, Twin Cities, Hyderabad.
3 Station House Officer, Ramgopalpet Police Station, Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction preferably a writ in the nature of Writ of Mandamus, declaring the Order in proceeding No. L&O/A3/264/02 dt. 9-3-2004 issued by the 2nd respondent as being illegal, arbitrary and violative of Articles 14 and 19 of the Constitution of India and consequently suspend the said Order and also direct the 2nd respondent to forthwith grant Amusement License to the petitioner firm to hold Music and singing by male and female singers, in its Bar and restaurant for the year 2004 ie., from 1-1-2004 to 31-12-2004.

**Counsel for the Petitioner:MR.O.MANOHAR REDDY**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 5391 of 2004**

Between:
PMC Barand Restaurant, 1-7-1071/101 & 102, First Floor,
Santhoshima Complex, RTC 'X' Roads, Musheerabad, Hyderabad,
rep. by its Partner, Mr.P.Mallesh Chwodary, S/o. Late Suryanarayana.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, rep. by its Secretary to the Home,
Secretariat, Hyderabad.
2 The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad.
3 The station House Officer, Chikkadpally P.S., Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly Writ of Mandamus, declaring the orders in No.L&O/A3/2489/2003 dt. 31-1-2004 and consequential Orders dt. 8-3-2004, passed by the 2nd respondent authority in rejecting my application for grant of an amusement license to conduct Orchestra by

singing male and female artists in the petitioner Bar and Restaurant as being illegal, arbitrary, and violative of Arts. 14, 19, and 21 of the Constitution of India, consequently direct the 2nd respondent herein to grant amusement license to the petitioner firm herein to hold Music and Singing by male and female singers, in its Bar and Restaurant for the year-2004, i.e., upto 31-12-2004.

**Counsel for the Petitioner:MR.SUDARSHAN REDDY DUDDUGUNTA**

**Counsel for the Respondents: GP FOR HOME**

**WRIT PETITION NO : 6297 of 2004**

Between:
Amrutha Bar & Restaurant, 8-2-293/D/1,2,3, Indira Nagar,
Jubilee Hills, Hyderabad rep.by its Proprietor M.Subramanyam,
S/o Late M.Ananda Rao, aged 42 years,R/o 202,
KLN Enclave, Nagarjuna Nagar, Ameerpet, Hyderabad.

**..... PETITIONER**

AND

1 The Govt.of A.P. rep.by its Secretary to the Home,
Secretariat, Hyderabad.
2 The Commissioner of Police, Hyderabad City, Basheerbagh,
Hyderabad.
3 The Station House Officer, Jubilee Hills P.S.Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, Order or direction, more particularly Writ of Mandamus, declaring the orders in No.L&O/A3/52/2004 dated 21-2-2004 passed by the 2nd respondent authority in rejecting my application for grant of an amusement license to conduct Orchestra by singing male and female artists in the petitioner Bar & Restaurant as being illegal, arbitrary, and violative of Arts.14,19 and 21 of the Constitutionk of India, consequently direct the 2nd respondent herein to grant amusement license to the petitioner herein to hold Music and Singing by male and female singers, in its Bar and Restaurant for the year 2004 i.e. upto 31-12-2004 without insisting restaurant license from the Police department.

**Counsel for the Petitioner:MR.SUDARSHAN REDDY DUDDUGUNTA**

**Counsel for the Respondents: GP FOR HOME,**

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**WRIT PETITION NO : 6356 of 2004**

Between:
M/s.Lagoon Pub-Bar Family Restaurant, 3-6-524, Above Global Trust Bank, 1st Floor Zee Plaza complex, Himayatnagar, Hyderabad.

**..... PETITIONER**

AND

1 Commissioner of Police, Hyderabad City, Hyderabad.
2 Station House officer, Narayanaguda P.S.,Hyderabad.
3 Commissioner of Prohibition & Excise Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in dividing the premises licensed under the Excise Act and stopping introduction of amusement by treating the licensed premises as additional floor as illegal, arbitrary and without jurisdiction.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 6591 of 2004**

Between:
Forest Bar and Restaurant Ground Floor, City Centre, 3-6-140, Himayatnagar, Hyderabad rep by Proprietor J. Sreenivas Reddy

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad City, Hyderabad
2 The Commissioner of Prohibition & Excise Hyderabad
3 The Deputy Commissioner of Police, Division, Hyderabad
4 The Assistant Commissioner of Police, Chikadpally Division, Hyderabad
5 The Inspector of Police, Narayanguda Police Station, Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order more particularly a Writ of Mandamus declaring the action of the respondents in dividing the

premises under a single roof, licensed under the Excise Act and stopping introduction of amusement by treating the licensed premises as additional floor as illegal, arbitrary and without jurisdiction,

**Counsel for the Petitioner:MR.KISHORE RAI**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 6554 of 2004**

Between:

Forest Bar and Restaurant Ground Floor, City Centre, 3-6-140, Himayatnagar, Hyderabad, rep. by its Prop. J.Sreenivas Reddy.

**..... PETITIONER**

AND

1 Commissioner of Police Hyderabad city, Hyderabad.
2 Commissioner of Prohibition & Excise Hyderabad.
3 Deputy Commissioner of Police Division, Hyderabad.
4 Assistant Commissioner of Police Chikadpally Division, Hyderabad.
5 The Inspector of Police Narayanguda Police Station Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ order or direction more particularly one in the nature of writ of Mandamus directing the Respondent No. 1,3 to 5 to not to interfere in business being carried on under the name and style of Forest Bar & Restaurarnt carried on in the Ground Floor, City Centre, 3-6-140, Himayathnagar, Hyderabad till 12 Mid Night in the light of G.OMs.No.317 dated 07-06-2002.

**Counsel for the Petitioner:MR.KISHORE RAI**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 6888 of 2003**

Between:

M/s.Nikhitha Bar & Restaurant,

Besides Oban Super Market,
Mehdipatnam, Hyderabad,
Rep. by its Proprietor, Mr.C.Ram Kumar,
S/o C.Sattaiah, aged 51 years,
R/o 12-02-822/A/1, Rethi Bowli Road,
Mehdipatnam, Hyderabad

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad.
2 The Station House Officer, Asifnagar P.S., Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direcion, more particularly writ of Mandamus, declaring the orders in No.L&O/A3/879/2003 dated 13-2-2004 passed by the 1st respondent authority in rejecting my application for grant of an amusement license to conduct Orchestra by singing male and female artists in the petitioner Bar & Restaurant as being illegal, arbitrary, and violative of Articles 14,19(1)(g), and 21 of the constitution of India, consequently direct the respondents herein to permit the petitioner herein to hold Orchestra by male and female signers, in its Bar and Restaurant for the year 2004.

**Counsel for the Petitioner:MR.SUDARSHAN REDDY DUDDUGUNTA**

**Counsel for the Respondents: G.P. FOR HOME,**

**WRIT PETITION NO : 9202 of 2004**

Between:

M/S. Ceasara Palace Bar and Restaurant, rep. by its Proprietor, Nagesh P. Shetty, S/o. Poobappa Shetty, aged about 47 yrs, 4-1-970, Block No. C-9 to C-19, 2nd Floor, Ahuja Estates, Abids, Hyderabad.

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad.
2 The Assistant Commissioner of Police, Abids Division, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court

will be pleased to issue a Writ, Order, or Direction, more particularly one in nature of Writ of Mandamus to declaring the action of the 2nd respondent and his subordinates in interfering with the day-to-day activities/affairs like conducting Indian Music and Orchestra in licensed premises No. 4-1-970, Block No. C-9 to C-19, 2nd Floor, Ahuja Estates, Abids, Hyderabad, without any notice or opportunity or valid order and consequently declare the illegal and unauthorized interference in the affairs of the Petitioner Restaurant as violative of Article 19(i)(g) and Article 21 of the Constitution of India in the Interest of Justice.

**Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & NEERAJA REDDY**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 10742 of 2004**

Between:

M/s.Nikitha Bar & Restaurant, rep., by its Prop:C.Ram Kumar,
s/o late Sathaiah, D.No.12-2-822/A/1,
Rathi Bowli Road, Mehdipatnam, Hyderabad.

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad City, Hyderabad.
2 The Commissioner of Prohibition & Excise, Hyderabad.
3 The Deputy Commissioner of Police, West Zone, Hyderabad.
4 The Assistant Commissioner of Police, Asif Nagar Division, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, directing the respondents not to interfere with the petitioner running of Bar and Restaurant business till 12 pm midnight according to the orders of the Hon'ble High Court passed in WP NO.2577/2003, DT.28-2-2003.

**Counsel for the Petitioner:MR.G.UMAPATHI SASTRY**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 12770 of 2004**

Between:

Anupuma Bar & Restaurant, rep. by Sri A.Nageswara Rao,
R/o.10-2-289/4, Masab Tank, A.C.Guards,

Hyderabad.

**..... PETITIONER**

AND

1 Commissioner of Police, Twin Cities of Hyderabad, Basheerbagh, Hyderabad.
2 Deputy Commissioner of police, Central Zone, Hyderabad.
3 S.H.O., P.S. Nampally, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings dt.07-06-2004 vide No.L&O/A3/2123/2003 by the first respondent as illegal and arbitrary.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 4943 of 2004**

Between:

M/s.Ceasars Palace Bar and Restaurant, rep., by its Proprietor, Nagesh P.Shetty, s/o Poobappa Shetty, 4-1-970, Block No.C-9 to C-19, 2nd Floor, Ahuja Estates, Abids, Hyderabad.

**..... PETITIONER**

AND

Commissioner of Police, Hyderabad City at Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ declaring that the action of the respondent contained in Order No.L&O/A3/933/2002 dated 09-03-2004 rejecting Amusement License to the petitioner for conducting Indian Music and Orchestra in the licensed premises of the petitioner for the year 2004, is arbitrary and illegal and direct the respondent to permit the petitioner to organize and conduct Indian Music and Orchestra in the petitioner's Bar and Restaurant as per the Licensed premises in the Excise License of the petitioner.

**Counsel for the Petitioner:MRSMANCHIKALAPATI RENUKA**

**Counsel for the Respondent : GP FOR HOME,**

**WRIT PETITION NO : 5390 of 2004**

Between:
Rukmini's International Bar & Restaurant a registered partnership firm, rep., by its Managing Partner S.Maheshwar, s/o S.Malkaiah, aged 41 years, at 1-8-563/2, 1st Floor, RTC Cross Roads, Opp:Sandhya Theatre, Hyderabad.

**..... PETITIONER**

AND

1 Govt., of Andhra Pradesh, rep., by its Secretary, Home Department,
Secretariat, Hyderabad.
2 Commissioner of Police, Twin Cities, Hyderabad.
3 Station House Officer, Chikkadapalli Police Station, Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of mandamus, declaring the order in Proceeding No.L&O/A3/294/2003 dt.19-3-2004 issued by the 2nd respondent as being illegal, arbitrary and violative of Articles 14 and 19 of the Constitution of India and consequently suspend the said order and also direct the 2nd respondent to forthwith grant Amusement License to the petitioner firm to hold Music and Singing by male and female singers, in its Bar and Restaurant for the year 2004 i.e., from 1-1-2004 to 31-12-2004.

**Counsel for the Petitioner:MR.P.VENUGOPAL**

**Counsel for the Respondents: GP FOR HOME,**

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**WRIT PETITION NO : 13682 of 2004**

Between:
Skymoon Bar & Restaurant, rep by its Sri Jayarami Reddy, situated at 2-1-392/1/4/5, Nallakunta, Hyderabad.

**..... PETITIONER**

AND

Commissioner of Police, Twin Citites of Hyderabad, Basheerbagh, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the impugned orders passed by the respondent dt. 12-5-2004 vide No.L&O/A3/363/2004, as illegal, arbitrary and without jurisdiction.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondent: GP FOR HOME,**

**WRIT PETITION NO : 5800 of 2004**

Between:

M.Sudheer Reddy, S/o Late Bakka Reddy,
R/o 16-10-1/2, Malakpet, Hyderabad.

**..... PETITIONER**

AND

1 The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad.
2 The Station House Officer, Chaderghat P.S., Chaderghat. Hyderabad. (Cause Title amended as per Court Order Dt. 2-4-04 in WPMP in 7947 of 2004)

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, Order or direction, more particularly Writ of Mandamus, declaring the orders in No.L&O/A3/1022/2003 dated 08-03-2004 passed by the 1st respondent herein in rejecting to grant of an amusement license to conduct Orchestra by singing male and female artists in the petitioner Bar & Restaurant on the ground of parking for the year-2004, as being illegal, arbitrary, and violative of Arts.14,19 and 21 of the Constitution of India, consequently set aside the same.

**Counsel for the Petitioner:MR.SUDARSHAN REDDY DUDDUGUNTA**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 6381 of 2004**

Between:

A.Srinivasa Rao, S/o. Late A.Swamy, Aged about 51 years,
Proprietor of Red Saffaire Bar and Restaurant, Premises
No.1-1-111, AVS Complex, RTC Cross Roads, Hyderabad.

**..... PETITIONER**

AND

1 The Commissioner of Police, Basheerbagh, Hyderabad.
2 The Deputy Commissioner of Police, Central Zone, Police Control Room,
Basheerbagh, Hyderabad.
3 The Deputy Commissioner of Police, Task Force, Central Zone, Begumpet,
Hyderabad.
4 The Assistant Commissioner of Police, Chikkadapalli Division, Hyderabad.
5 The Station House Officer, Chikkadapalli Police Station, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting to grant amusement license in Proceedings No.L&O/A3/2186/2003 dated 29-3-2004 as arbitrary, illegal and unconstitutional and discriminative and in violation of Articles 14, 19(1)(g) of the Constitution of India and consequently direct the first respondent to grant Amusement License to the petitioner restaurant situated at H.No.1-1-111, A.V.S.Complex, RTC Cross Roads, M/s.Red Saffaire Bar and Restaurant, Hyderabad under the provisions of Amusement Rules 1351 Fasli.

**Counsel for the Petitioner:MR.E.MADANMOHAN RAO**

**Counsel for the Respondents: GP FOR HOME,**

**WRIT PETITION NO : 12781 of 2004**

Between:
Blue Saphire Bar & Restaurant rep by Sri G. Chandrasekhar,
Proprietor situated at 7-1-621/289,
Sanjeeva Reddy X Roads, Hyderabad-38

**..... PETITIONER**

AND

1 Commissioner of Police Twin Cities of Hyderabad Basheerbagh, Hyderabad
2 Station House Officer S.R. Nagar P.S. Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring that the petitioner is entitled for Amusement License Under the provisions of Hyderabad City Police Act.

**Counsel for the Petitioner:MR.C.NAGESWARA RAO**

**Counsel for the Respondents: GP FOR HOME, and**

**WRIT PETITION NO : 8848 of 2004**

Between:
Hunt Pub, a proprietary Concern, Amrutha Mall, II Floor, Somajiguda X Road, Hyderabad, rep.by its Proprietor G.Srikanth, S/o G.Dayanand, aged 23 years,
R/o Hyderabad.

**..... PETITIONER**

AND

1 Commissioner of Police, Twin Cities, Hyderabad.
2 Station House Officer, Panjagutta Police Station, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the order of the 1st respondent passed in No.L&O/A3/42/2002 dated 23-4-2004 as illegal, arbitrary and contrary to the judgments of this Hon'ble Court and consequently direct the respondents to grant amusement licence in favour of the petitioner.

**Counsel for the Petitioner:MR.O.MANOHER REDDY**

**Counsel for the Respondents: GP FOR HOME**

**The Court made the following:**

**COMMON ORDER:**

Heard the counsel appearing in each of the writ petitions. Since the question involved in these writ petitions is common, they are being taken up together for disposal.

The petitioners in these matters are the persons who sought for the grant of amusement licence in pursuance of the independent applications filed by them before the 1st respondent herein under the provisions of the City Police Act and the Rules made thereunder. According to them they have obtained all the necessary other licences, including the excise etc., and complied with the other requirements. The said licence is required to the bar and restaurants for performing the cultural programmes like music, singing and orchestra in the restaurants. On the earlier occasions, the said applications were not considered on the objection that no objection certificates are necessary, which was subsequently set aside by this Court and directed for fresh consideration, without insisting upon the said certificate. Having regard to the fact that the petitioners have complied and made all the necessary arrangements, there cannot be any objection in regard to the grant of licence. However, the respondents herein have rejected the petitioners' request mainly on the ground that there is no provision for parking space. The case of the petitioners is that such requirement is not a

mandatory nor in consonance for the purpose, on which the licence sought for, and therefore it cannot be form a basis for refusal to grant the licence and the same is violative of Articles 14, and 19 (1)(g) of the Constitution of India. Hence, the Writ Petitions.

Contesting all these writ petitions a common counter-affidavit has been filed denying the claim and sought to support the orders of rejection. It was further pointed out that in the absence of proper parking space, as stated, the grant of any licence is not feasible and it can create other problems, including the traffic. Hence, it was sought that the writ petitions be dismissed.

The counsel appearing on behalf of the petitioners reiterating their claim for grant of licence stating that rejection being totally unconnected reason they sought to place reliance on the decision of Division Bench of this Court reported in BIG WAY BAR AND RESTAURANT v. COMMISSIONER OF POLICE, HYDERABAD CITY[1] and also that of the Supreme Court in PYARE LAL v. DELHI MUNICIPALITY[2]. Borrowing the principles laid down thereunder, it was submitted that the rejection orders are totally vitiated and therefore the same are liable to be set aside by further directing the grant of licence in their favour.

The learned Government Pleader, appearing on behalf of the respondents herein, apart from repelling the contentions, as urged on behalf of the petitioners, sought to submit that both the aforesaid decisions cited on behalf of the petitioners have come up for consideration before the later Division Bench under similar circumstances and this Court has upheld the orders of rejection on the very same ground for want of parking space. Therefore, the petitioners cannot lay any claim and the same is not sustainable.

Considering the submissions made and on perusal of the material, the question, which falls for consideration is that, whether the orders of rejection on the applications filed by the petitioners for grant of amusement licence, principally on the ground that there is no parking

space, are sustainable.

Though across the bar, reference was made to the various conditions, as contemplated under the provisions of the Hyderabad City Police Act, 1348 Fasli, the main thrust on behalf of all the petitioners was on the judgment of earlier Division Bench of this Court in BIG WAY's case (1 supra), apart from the decision of the Supreme Court in PYARE LAL's case (2 supra).

In BIG WAY's case (1 supra) Division Bench of this Court has considered elaborately the provisions of the Hyderabad City Police Act, 1348 Fasli and held that any prohibition of issuing licences for singing, music, and dance programmes in hotels and restaurants is violative of fundamental right guaranteed under Article 19(1)(g) of the Constitution of India and that the licences cannot be refused on the grounds that there is no provision for parking of the vehicles and there are no fire extinguishers and there is no scope for the visitors to escape, in case any calamity occurs etc. It was held that if there are any such defects as regards making provision for parking space for scooters and cars or where there is lapse on the part of the applicants in providing equipment of first aid fire fighting arrangements or any other lapse to contain noise pollution, the Commissioner of Police would always be at liberty to insist on the applicants to comply with the same.

In PYARE LAL's case (2 supra) the Supreme Court considering the provisions of the Punjab Municipal Act and in a case where the cooked food was sought to be sold on the public streets, creating permanent unhygienic conditions, it was held that there is no fundamental right to carry on street trading and particularly in a manner which is bound to create unsanitary and unhygienic conditions in the neighbourhood.

It is to be noticed that very same questions have come up for consideration once again before later Division Bench of this Court in M/S.CHANDINI BAR AND RESTAURANT v. COMMISSIONER OF POLICE[3], which on a reconsideration of the provisions of the said Act and both the aforesaid decisions, it was held that though there is no

unlimited power conferring upon the Commissioner of Police either to grant or refuse amusement licence, but at the same time, no absolute right is conferred upon the applicant to apply for and obtain the licence. It was further held that there is no right fundamentally to carry on business wherever he chooses and he has to show that the restaurant is placed in a fit place and is entitled to be granted licence in accordance with law. Further, it is not for the Court to examine whether the restaurant/hotel is placed in a fit place or not. Therefore, it was held that, the rejection orders on similar such grounds are held to be legal.

Thus, having regard to the principles, as laid down by the later Division Bench, which is binding on this Court, it is not open for the petitioners herein to once again re-agitate and fall back on a wider spectrum to show that the grounds of rejection can be re-appreciated in this Court, and the insistance of provision for the parking space cannot form any basis. Therefore, such a basis cannot form part of any enquiry in exercise of powers under Article 226 of the Constitution of India. In almost all these cases the rejection is the fact that they have failed to provide proper parking space. As held in the aforesaid Division Bench, this Court cannot go into or make any re-appreciation in regard to the necessity or otherwise for providing such parking space in respect of the places where the amusement licence is sought for. Hence, I do not find any merits in the above writ petitions and the submissions made on behalf of the petitioners. Except making such bald assertions, no other plea has been raised. However, it shall always be open for the petitioners to approach the 1st respondent herein and satisfy about compliance of the requirement as pointed out and the same can be considered and disposed of in accordance with the principles as laid down in the M/S.CHANDINI's case (3 supra).

The Writ Petitions are, accordingly, dismissed. No costs.

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B.PRAKASH RAO, J.

Dated 07-09-2004.

skmr

Note:

After signing of this common judgment by BPR,J and after dispatching the same, BPR,J directs the Office to place one copy each of this common judgment in respective original bundle of each application (which are disposed of by this common judgment) for ready reference and record purpose.

(B/O)
SKMR

To

1. The Commissioner of Police, Twin Cities, Hyderabad.
2. The Station House Officer, Gandhinagar Police Station, Chikkadpally Division, Hyderabad.
3. The Deputy Commissioner of Police, Central Zone, Hyderabad.
4. The Assistant Commissioner of Police, Abids Division, Hyderabad.
5. The Station House Officer, Abids Police Station, Hyderabad.
6. The Station House Officer, Mahankali Police Station, Hyderabad.
7. The Deputy Commissioner of Police, Traffic-I, Hyderabad.
8. The Station House Officer, Narayanaguda Police Station, Hyderabad.
9. The Station House Officer, Panjagutta Police Station, Hyderabad.
10. The Station House Officer, Ramgopalpet Police Station, Secunderabad.
11. The Commissioner of Prohibition and Excise, Hyderabad.
12. The Station House Officer, Chikkadpally Police Station, Hyderabad.
13. The Station House Officer, Chaderghat Police Station, Hyderabad.
14. The Prohibition & Excise Superintendent, Hyderabad District at Narayanaguda Hyderabad.
15. The Station House Officer, Asifnagar Police Station, Asifnagar, Hyderabad.
16. The Deputy Commissioner of Police, North Zone, Secunderabad.
17. The Assistant Commissioner of Police, Mahankali Division, Secunderabad.
18. The Station House Officer, Market Police Station, Secunderabad.
19. The Inspector of Police, Chikkadpally Police Station, Chikkadpally, Hyderabad.
20. The Deputy Commissioner of Police, Task Force, Central Zone, Begumpet, Hyderabad.
21. The Station House Officer, Nampally Police Station, Hyderabad.
22. The Secretary, Government of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
23. The Station House Officer, Jubilee Hills Police Station, Hyderabad.
24. The Assistant Commissioner of Police, Chikkadpally Division, Hyderabad.
25. The Inspector of Police, Narayanaguda Police Station, Hyderabad.
26. The Deputy Commissioner of Police, West Zone, Hyderabad.
27. The Assistant Commissioner of Police, Asifnagar Division,

Hyderabad.
28. The Station House Officer, S.R.Nagar Police Station, Hyderabad.
29. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad (OUT).
30. 2 CD copies.

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[1] 2003(1) ALD 99 (DB)

[2] AIR 1968 SC 133

[3] 2003(5) ALT 705(DB)